

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE) Chapter 11
)
TREVOR LLOYD-JONES) CASE NO. 14-04497-JMC-11
)
Debtor(s))
)

**MOTION FOR RELIEF FROM STAY AND TO ABANDON REAL ESTATE OR IN THE
ALTERNATIVE ADEQUATE PROTECTION**

Comes now PNC Bank, National Association, successor by merger to National City Bank, successor by merger to National City Mortgage Co., formerly known as NCMC NewCo, Inc., successor in interest to National City Mortgage Co., subsequently known as National City Mortgage, Inc., (hereinafter referred to as "PNC Bank"), by counsel, and for its Motion for Relief From Stay and to Abandon Real Estate or in the Alternative Adequate Protection would show the Court as follows:

1. On May 14, 2014, the above-named Debtor(s) filed a petition pursuant to Chapter 11 of the Bankruptcy Code and a meeting of creditors was scheduled by the Court for June 30, 2014.
2. PNC Bank is the holder of a secured claim with an outstanding principal balance of \$202,946.23. Said claim is secured by the real property located at 4525 S 600 W, New Palestine, IN 46163-9521, and more particularly described in the mortgage, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**. The legal description for the subject real estate is:

A parcel of land lying in the Southwest Quarter of Section 30, Township 15 North, Range 6 East, being more particularly described as follows:

The point of beginning of the following described parcel of land being the Northwest corner of said Southwest Quarter; thence on an assumed bearing of South 00 degrees 00 minutes 00 seconds East along the West line of said Southwest Quarter a distance of 451.21 feet; thence South 89 degrees 37 minutes 23 seconds East a distance of 230.90 feet; thence South 01 degrees 30 minutes 30 seconds East a distance of 304.99 feet; thence North 85 degrees 04 minutes 16 seconds East a distance of 70.20 feet; thence North 48 degrees 29 minutes 28 seconds East a distance of 153.52 feet; thence North 40 degrees 39 minutes 00 seconds East a distance of 165.17 feet; thence North 33 degrees 30 minutes 00 seconds East a distance of 36.98 feet; thence North 06 degrees 20 minutes 22 seconds West a distance of 30.05 feet; thence North 18 degrees 12 minutes 08 seconds East a distance of 51.96 feet; thence North 34 degrees 27 minutes 38 seconds East a distance of 145.98 feet; thence North 28 degrees 34 minutes 54 seconds East a distance of 153.74 feet; thence North 04 degrees 30 minutes 33 seconds East a distance of 7.05 feet; thence North 15 degrees 53 minutes 38 seconds West a distance of 164.03 feet to the North line of said Southwest Quarter; thence South 89 degrees 31 minutes 11 seconds West along said North line a distance of 676.55 feet to the point of beginning of the above described parcel of land. All situated, lying and being in Sugar Creek Township, Hancock County, Indiana, containing 8.409 acres.

3. The above-described mortgage was given to secure a promissory note dated June 22, 2004, by the Debtor(s) to National City Mortgage Co. in the original principal sum of \$256,000.00. A copy of the above-described note is attached hereto and incorporated herein as **Exhibit "B"**. A copy of the merger documents is attached hereto and incorporated herein as **Exhibit "C"**.

4. The mortgage loan is due for September 1, 2014 through December 1, 2014 post-petition payments at the monthly mortgage amount of \$1,630.35, plus late charges of \$0.00, for an arrearage in the sum of \$6,521.40, together with bankruptcy attorney fees and costs. The failure to make such payments constitutes a material default and allows no protection of the interests of PNC Bank with the meaning of Section 362 of the Bankruptcy Code.

5. The failure to make payments is cause for the Court to grant relief from stay to PNC Bank within the meaning of Section 362 of the Bankruptcy Code.

6. Upon information and belief, PNC Bank alleges Debtor(s) does not have any equity in said collateral security, and such collateral is not necessary to an effective reorganization herein, because reasonable prospect of successful reorganization does not exist. Therefore, PNC Bank should be granted relief from the automatic stay in bankruptcy pursuant to 11 U.S. Section 3262(d)(2) and the property abandoned from the estate.

7. Alternatively, upon information and belief, PNC Bank alleges that the pre-Petition value of its collateral will decrease during Estate administration due to depreciation caused by Debtor(s) use thereof. Therefore PNC Bank is entitled to adequate protection upon its interest in said collateral pursuant to U.S.C. Section 361.

8. To date, Debtor(s) has not provided adequate protection to PNC Bank upon its interest in said collateral.

9. Because Debtor(s) have not provided adequate protection sufficient to protect PNC Bank's pre-petition interest in its collateral from diminution during Estate administration, PNC Bank alternatively requests that this Court grant it relief from the automatic stay for cause, pursuant to 11 U.S.C. Section 362 (d)(1), and abandon PNC Bank's said collateral from the bankruptcy Estate.

WHEREFORE, PNC Bank, a secured creditor, by counsel, respectfully prays that the Court grant it relief from the automatic stay, pursuant to 11 U.S.C. Section 362 (d)(2) or, alternatively that it be granted either adequate protection upon its interest in said collateral or relief from the automatic stay pursuant to 11 U.S.C. Section 362(d)(1), and that its collateral be abandoned from the bankruptcy Estate; and for all other just and proper relief in the premises.

FEIWELL & HANNOY, P.C.

/s/JESSICA S. OWENS

JESSICA S. OWENS, Attorney No. 26533-49
Attorney for PNC Bank, National Association,
successor by merger to National City Bank,
successor by merger to National City Mortgage Co.,
formerly known as NCMC NewCo, Inc., successor
in interest to National City Mortgage Co.,
subsequently known as National City Mortgage,
Inc.
251 N. Illinois Street, Suite 1700
Indianapolis, IN 46204-1944
(317) 237-2727
Fax: (317) 237-2717
Email: JOWENS@feiwellhannoy.com

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing has been duly electronically noticed or mailed via United States mail, first class, on January 6, 2015, to the following:

Michael J. Hebenstreit
Attorney at Law
151 N Delaware St Ste 2000
Indianapolis, IN 46204

Nancy Gargula
U.S. Trustee
101 West Ohio Street, Suite 1000
Indianapolis, IN 46204

/s/ JESSICA S. OWENS
JESSICA S. OWENS, Attorney No. 26533-49

NOTICE

FEIWELL & HANNOY, P.C. IS A DEBT COLLECTOR.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE) Chapter 11
)
TREVOR LLOYD-JONES) CASE NO. 14-04497-JMC-11
)
Debtor(s))
)

CERTIFICATE OF MAILING

The undersigned hereby certifies that a copy of the attached Notice was sent, via either first class. U.S. mail or electronic noticing, on **January 6, 2015**, to those creditors and interested parties listed on the attached sheets.

Dated: **January 6, 2015**

FEIWELL & HANNOY, P.C.

/s/ JESSICA S. OWENS

JESSICA S. OWENS, Attorney No. 26533-49
Attorney for PNC Bank, National Association,
successor by merger to National City Bank,
successor by merger to National City Mortgage Co.,
formerly known as NCMC NewCo, Inc., successor
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE) Chapter 11
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TREVOR LLOYD-JONES) CASE NO. 14-04497-JMC-11
)
Debtor(s))
)

NOTICE OF MOTION AND OPPORTUNITY TO OBJECT

On January 6, 2015, PNC Bank, National Association, successor by merger to National City Bank, successor by merger to National City Mortgage Co., formerly known as NCMC NewCo, Inc., successor in interest to National City Mortgage Co., subsequently known as National City Mortgage, Inc. filed a Motion for Relief from Stay and to Abandon Real Estate or in the alternative Adequate Protection, asking the Court for relief from stay and abandonment of the real estate commonly known as 4525 S 600 W, New Palestine, IN 46163-9521. The motion states that Debtor(s) monthly mortgage payments are delinquent and that there is little or no equity in the subject real estate for the benefit of creditors. If you have not received a copy of the motion, you may get one by contacting the person who signed this notice or at the clerk's office.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the motion, then within fourteen (14) days from the date this Notice is served, you or your attorney must:

1. File a written objection to the motion, which should explain the reasons why you object, with the Clerk of the United States Bankruptcy Court at:

Room 116; 46 E Ohio St
Indianapolis, IN 46204-1903

If you mail your objection, you must mail it early enough so that it will be received by the date it is due.

2. You must also mail a copy of your objection to:

JESSICA S. OWENS
FEIWELL & HANNOY, P.C.
251 N. Illinois Street, Suite 1700
Indianapolis, IN 46204-1944
(317) 237-2727

Michael J. Hebenstreit
Attorney at Law
151 N Delaware St Ste 2000
Indianapolis, IN 46204

Nancy Gargula
U.S. Trustee
101 West Ohio Street, Suite 1000
Indianapolis, IN 46204

If you do not file an objection by the date it is due, the court may grant the relief requested without holding a hearing. If you do file an objection, the court will set the motion for hearing, which you or your attorney will be expected to attend.

Dated: **January 6, 2015**

FEIWELL & HANNOY, P.C.

/s/ JESSICA S. OWENS

JESSICA S. OWENS, Attorney No. 26533-49
Attorney for PNC Bank, National Association,
successor by merger to National City Bank,
successor by merger to National City Mortgage Co.,
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Indianapolis, IN 46204-1944

Label Matrix for local noticing

0756-1

Case 14-04497-JMC-11

Southern District of Indiana

Indianapolis

Tue Jan 6 12:58:44 EST 2015

American Express Bank FSB

c/o Becket and Lee LLP

POB 3001

Malvern PA 19355-0701

24 Hour Fitness

1396 S. 600 W.

New Palestine, IN 46163-9790

American Express

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Dallas, TX 75265-0448

Attorney General of the United States

U.S. Department of Justice

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Kay Dee Baird

Krieg DeVault LLP

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Indianapolis, IN 46204-2079

Bank of America

Business Card

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Wilmington, DE 19899-1579

Bank of America

PO Box 851001

Dallas, TX 75285-1001

Boring, LLC

1396 S. 600 W.

New Palestine, IN 46163-9790

C. Thomas Cone

Williams Cone & Billings

222 N. State St.

Greenfield, IN 46140-3703

C. Victor Boring - Co-Defendant

3462 S. 500 W.

New Palestine, IN 46163-8781

Capital One

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Carol Stream, IL 60197-6492

Capital One Bank (USA), N.A.

PO Box 71083

Charlotte, NC 28272-1083

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Palatine, IL 60094-4014

Citi

Processing Center

Des Moines, IA 50363-0001

Cody B. Combs

728 N. State St.

Greenfield, IN 46140-1404

Community Health Network

c/o Bryan Miles, President & CEO

7330 Shadeland Station

Indianapolis, IN 46256-3974

Corley House

1396 S. 600 W.

New Palestine, IN 46163-9790

Credo, LLC

1396 S. 600 W.

New Palestine, IN 46163-9790

Cumberland Conv. Care Medical Ctr.

12130 E. Washington St.

Indianapolis, IN 46229-2955

DeVault Corner, LLC

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c/o Asset Revitalization Solutions

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Fielder Acres, LLC

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First American Title Insurance Co.

c/o Shawna Meyer Eikenberry

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Greenfield, IN 46140-2392

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Little Bear Day Care, LLC
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New Palestine, IN 46163-9185

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Lowes
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Greenwood, IN 46143

New Palestine Plaza, Inc. - Defendant
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New Palestine, IN 46163-8645

New Palestine Self Storage & Maintenance
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3232 Newark Drive
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Plaza Maintenance, LLC
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Plaza Utilities, LLC
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Regions Bank f/d/b/a Union Planters Bank
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Indianapolis, IN 46204

Regions Mortgage
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Greenfield, IN 46140-1404

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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(d)New Palestine Self Storage, LLC
6141 U.S. 52
New Palestine, IN 46163-8645

(u)Regions Bank dba Regions Mortgage

End of Label Matrix

Mailable recipients	91
Bypassed recipients	3
Total	94